

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 8:09CR457
)
)
 v.)
)
)
SARA JARRETT,) MEMORANDUM OPINION
)
)
 Defendant.)
)
_____)

This matter is before the Court on the motion of defendant Sara Jarrett to vacate, set aside or correct her sentence (Filing No. 1400).

This is not the first motion defendant has filed pursuant to 28 U.S.C. § 2255. See *United States of America v. Jarrett*, 8:09CR457, 2014 WL 2215909 (D. Neb. May 29, 2014). Thus, the defendant's current § 2255 motion constitutes a "second or successive motion" within the meaning of 28 U.S.C. § 2255. 28 U.S.C. § 2255(h); see *United States v. Nicholson*, 231 F.3d 445, 454 (8th Cir. 2000); see also *United States v. Allen*, 157 F.3d 661, 664 (9th Cir. 1998); *Vancleave v. Norris*, 150 F.3d 926, 927-29 (8th Cir. 1998).

A petitioner seeking to file a second or successive § 2255 motion challenging their conviction or sentence must first obtain circuit court certification. 28 U.S.C. § 2255(h); *United States v. Echerivel*, 500 F. App'x 568 (8th Cir. 2013). Because

the defendant has not received approval from the Eighth Circuit to file a second or successive § 2255 motion, the Court lacks jurisdiction over her claims. *Id.* Lacking jurisdiction, defendant's motion will be denied without prejudice. A separate order will be entered in accordance with this memorandum opinion.

DATED this 24th day of July, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court